

Docket No.: T11-0008 consol.
with T11-0009
Bench Date: 5/04/11
Deadline: N/A

M E M O R A N D U M

TO: The Commission

FROM: Latrice Kirkland-Montaque, Chief Administrative Law Judge

DATE: April 21, 2011

SUBJECT: State of Illinois, Department of Transportation, and City of Chicago
Petitioners,
v.
Union Pacific Railroad Company
Respondent.

Petition for authorization to relocate the Union Pacific Railroad over Illinois Route 19 (Irving Park Road) grade separation in the City of Chicago, Cook County, designated as AAR/DOT # 174 051R, Railroad Milepost 5.46, from approximately 1.2 Miles east of York Road to approximately 400 feet east of York Road.

State of Illinois, Department of Transportation,
Petitioner,
v.
Canadian Pacific Railway Company
Respondent.

Petition for authorization to replace the existing Illinois Route 19 (Irving Park Road) at-grade crossing with the Canadian Pacific Railway Company's tracks, with a bridge carrying the tracks over Illinois Route 19 (Irving Park Road). The crossing is designated as AAR/DOT #372 159V, Railroad Milepost 0.45) in the City of Chicago, Cook County, approximately 50 feet east of York Road.

RECOMMENDATION: Enter Order granting the Petitions.

On January 20, 2011, the Illinois Department of Transportation ("Department") and the City of Chicago ("City") filed A Petition with the Commission naming as Respondent the Union Pacific Railroad Company ("UP") seeking authority to relocate

the bridge that carries UP's tracks over Illinois Route 19/Irving Park Road (IL 19) in the City of Chicago. Also on January 20, 2011, the Department filed a Petition naming as Respondent the Canadian Pacific Railway Company ("CP"), seeking authority to replace the existing IL 19 highway-rail grade crossing of CP's tracks with a new bridge to carry CP's tracks over IL 19 also in the City of Chicago.

On February 10, 2011, Staff filed a Motion to Consolidate the actions which was granted by the ALJ prior to hearing.

UP Bridge over IL 19

As part of its business the UP operates trains over a double mainline railroad track (the "Milwaukee Subdivision Track"), which provides for north/south freight movements via a curved alignment along the west side of O'Hare International Airport. Within this segment along the southern boundary of the airport is the existing rail bridge over IL 19 within the corporate boundary of the City, Cook County, Illinois (the Existing Grade Separation).

The City and UP have entered into an agreement for the relocation of the Milwaukee Subdivision Track that would allow the assemblage and development of certain City owned lands acquired and improved for the project known as the O'Hare Modernization Program ("OMP").

The City, through the OMP, will be responsible for the construction costs associated with the project, which are estimated at \$19,590,757. Upon completion of the project, the Department will be responsible for the continued maintenance of IL 19. UP will be responsible for the maintenance of the Relocated Grade Separation.

The new UP railroad bridge over Illinois Route 19 should be completed by December 31, 2011, with overall project completion and rail operations shifted to the Milwaukee Subdivision final alignment by December 31, 2012.

CP Bridge over IL 19

As part of its business, the CP operates trains over a double mainline railroad track on its Elgin Subdivision, which crosses IL 19 approximately 50 feet east of York Road near the southwest corner of O'Hare International Airport.

The Department seeks authority to construct a bridge to carry CP's tracks over IL 19 in accordance with the design plans included in its Petition. Upon completion of the structure, the existing at-grade crossing will be removed. The Department and CP have agreed upon a design for the new structure, which will be in close proximity to the UP's Relocated Grade Separation.

Any needed modifications to the IL 19 and York Road traffic signals will be coordinated with Commission Staff to mitigate impacts to the existing traffic signal interconnect with the CP's crossing warning devices.

The Department will be responsible for the construction costs associated with the project, which is estimated at \$54,000,000. The project is a part of the CREATE Program (Chicago Region Environmental and Transportation Efficiency Program), a partnership of railroads, local, state and federal governments designed to modernize and upgrade Illinois' railroad infrastructure to increase efficiency, improve safety and meet the growing needs of the nation's transportation hub.

Upon completion of the project, the Department will be responsible for the continued maintenance of IL 19. The Department will be responsible for the maintenance of the new structure with the exception of railroad tracks, ballast, and all other railroad appurtenances.

The new CP railroad bridge over Illinois Route 19 should be completed by December 31, 2013.

The UP has no objection to the Department and City's Petition for the UP Relocated Grade Separation.

The CP has no objection to the Department's Petitions.

Staff has no objection to the Petitions. During construction, Staff will require that all stages that modify traffic flow or traffic signal indications through the IL 19 grade crossing of CP's tracks must be coordinated with Staff prior to implementing.

I recommend entry of the attached Order granting the Petitions.